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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,060	12/02/1999	YUTAKA YASUKURA	SEKI-001	9420

34610 7590 05/20/2004

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 05/20/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/445,060

Applicant(s)

YASUKURA, YUTAKA

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6 and 20-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 20-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4 March 2004 have been fully considered but they are not persuasive.
2. Claims 4 and 7 have been respectfully submitted and acknowledged as being cancelled by the Applicant.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 20-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 20 and 29, the claim recites "said certification authority includes a second portion of said first...contain different information with said first...data". How can the first biometric contain different data from the first biometric when there was only one first biometric established in the claim?
5. The term "less than 100% and comprise 100% " in claims 21-22, 31-32 is a relative term which renders the claim indefinite. The term "less than 100% and comprise 100%" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Please clarify.

Response to Arguments

6. Referring to the rejection of claim 1, the Applicant contends that the prior art Dulude et al. does not disclose or suggest dividedly recording biological individuality data, in two or more certification authorities where the biological individuality data is not recorded in a user authentication card. The Examiner disagrees and asserts that the Dulude et al. does suggest independently authenticating biometric data as shown in Column 5, lines 16-21. Dulude et al. discloses a biometric certification system comprising a biometric database for registering each person. The biological individuality data comprises the person's birth certificate, driver's license, etc. The information within the database is divided into two certification authorities, i.e.) the individual birth certificate is stored within the vital statistics database and the individual driver's license data is stored within the motor vehicles database.
7. The rejection of claims 1-3 and 5-6 are maintained in view of the reasons above and in view of the reasons below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Dulude et al. U.S. Patent No. 6,310,966. Referring to claims 1,20, and 29, Dulude et al. discloses a system comprising: a registration station provided with an information acquisition device for obtaining biological individuality data for distinguishing individuality of a user, an authentication card issuing station that issues to the user a user authentication card recorded with a divided part of the biological individuality data, an authentication access terminal provided with an authentication-card reader for reading the information of the user authentication card and an identity acquisition device for inputting biological individuality data of the user, and at least one certification authority that is connected to the authentication access terminal through an information communication channel, wherein the certification authority holds the record of the remaining part of the biological individuality data that have obtained at the registration station but not recorded in the user authentication card, the recorded contents in the user authentication card read out by the authentication card reader are compared with the biological individuality data of the user obtained on the spot through the identity acquisition device to authenticate identification of the user at the authentication access terminal, and if a higher level of authentication is required, the certification authority compares the biological individuality data of the user obtained at the authentication access terminal with the part of the biological individuality data missing in the user authentication card in response to inquiry from the authentication access terminal and sends the comparison result to the authentication access terminal for further authentication (See Column 4, lines 12-67, Column 5, lines 1-2,15-49)

Referring to claim 2, Dulude et al. discloses a claimed limitation wherein the user authentication card has an computing function and the computing function executes calculation of authenticating personal identification at the authentication access terminal (See Column 5, lines 50-67, Column 6, lines 1-8, 13-17)

Referring to claim 3, Dulude et al. discloses a claimed limitation wherein the information exchanged through the information communication channel is encrypted (See Column 6, lines 18-27)

Referring to claim 5, Dulude et al. discloses a claimed limitation wherein the certification authority is provided with a memory device for recording the biological individuality data obtained at the registration station (See Column 6, lines 32-34, 58-65)

Referring to claim 6, Dulude et al. discloses a claimed limitation wherein plural kinds of biological individuality data are registered so that different transactions can be conducted in response to the kind of the input data (See Column 2, lines 47-66)

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Houvener U.S. Patent No. 6,424,249 discloses a system and method for biometric user authentication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cd

cdf

May 14, 2004

Matthew Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137